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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

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8  
9 INTERNATIONAL INSTITUTE OF  
MANAGEMENT,

Case No. 2:18-cv-01748-JCM-GWF

10 Plaintiff,

ORDER

11 v.

12 ORGANIZATION FOR ECONOMIC  
COOPERATION AND DEVELOPMENT, *et*  
13 *al.*,

14 Defendants.

15 Presently before the court is defendants Joseph Stiglitz and the Organization for Economic  
16 Cooperation and Development's ("OECD") joint motion for attorney's fees and taxable and  
17 nontaxable costs. (ECF No. 67). Plaintiff International Institute of Management ("IIM") filed a  
18 response (ECF No. 71), to which defendants replied (ECF No. 72).

19 **I. Background**

20 This was a copyright infringement action in which IIM alleged that the OECD, a Paris-  
21 based intergovernmental organization for economic research and policy, and Stiglitz, a Nobel  
22 laureate and professor of economics at Columbia University, stole credit for IIM's work on using  
23 non-GDP factors to measure the well-being of countries. (ECF No. 1).

24 IIM is a small Nevada think tank that publishes economics papers on the internet. *Id.* In  
25 2005, IIM published a two-page paper titled "Gross National Well-being (GNW) Index" ("2005  
26 paper"). *Id.* The 2005 paper generally discusses the idea of using non-GDP factors to measure  
27 the well-being of countries and provides seven factors that such an index might use. (ECF No. 23-  
28 2). The 2005 paper does not show how to use these factors to measure a country's well-being. *Id.*

1 In 2006, IIM published a second paper titled “The American Pursuit of Unhappiness”  
2 (“2006 paper”). (ECF No. 1). The 2006 paper is six pages long and generally discusses why a  
3 nation’s happiness should be measured with non-GDP factors. (ECF No. 23-3). The paper also  
4 elaborates on non-GDP factors that various measurement approaches might use. *Id.* Like the 2005  
5 paper, the 2006 paper does not provide any solution on how to measure the well-being of countries  
6 with non-GDP factors. *Id.*

7 The OECD’s Commission on the Measurement of Economic Performance and Social  
8 Progress (the “commission”) conducts research on measuring the well-being of countries. (ECF  
9 No. 1). Stiglitz, who is a resident of New York, is the chairman of the commission and  
10 substantially contributed to various reports and articles that the commission published. *Id.*

11 In 2009, the commission published a 291-page report titled “Report by the Commission on  
12 the Measurement of Economic Performance and Social Progress” (“2009 report”). (ECF Nos. 1,  
13 23-4). Twenty-two commissioners, five of whom are Nobel laureates, wrote the 2009 report,  
14 which discusses the limits of GDP as an indicator of economic performance. (ECF No. 23-4). The  
15 report also extensively addresses problems with various measurement techniques and how to  
16 improve upon existing methods to determine the well-being of countries. *Id.*

17 In 2011, the OECD created the Better Life Index, which uses non-GDP factors to measure  
18 the well-being of countries. (ECF No. 23-5). The OECD published the index on the internet on  
19 an interactive website that millions of people have used to compare the well-being of countries.  
20 *Id.* According to the complaint, Stiglitz is also selling a book on Amazon.com which contains  
21 material from IIM’s copyright protected works. (ECF No. 1). IIM alleges that the 2009 report,  
22 the Better Life Index, and Stiglitz’ book infringe on its copyrights in the 2005 and 2006 papers.  
23 *Id.*

24 On September 10, 2018, IIM initiated this action, asserting four causes of action:  
25 (1) copyright infringement; (2) vicarious and/or contributory copyright infringement; (3) unfair  
26 competition; and (4) false advertising in violation of the Lanham Act. *Id.* On June 20, 2019, the  
27 court granted defendants’ motions to dismiss (ECF Nos. 19, 21) and dismissed this action without  
28 prejudice for a lack of personal jurisdiction over defendants (ECF No. 64).

1 Now, defendants move for the award of attorney's fees and taxable and nontaxable costs.  
2 (ECF No. 67).

## 3 **II. Legal Standard**

4 The Copyright Act provides that "the court in its discretion may allow the recovery of full  
5 costs by or against any party other than the United States or an officer thereof." 17 U.S.C. § 505.  
6 The court may "award a reasonable attorney's fee to the prevailing party as part of the costs." 17  
7 U.S.C. § 505. Section 505 grants district courts "broad leeway" in considering motion's for  
8 attorney's fees. *Kirtsaeng v. John Wiley & Sons, Inc.*, 136 S. Ct. 1979, 1985 (2016) (quoting  
9 *Fogerty v. Fantasy, Inc.*, 510 U.S. 517, 534 (1994)). However, courts must employ a case-by-case  
10 analysis and encourage meritorious defenses to the same extent they encourage meritorious  
11 copyright claims. *Fogerty*, 510 U.S. at 518.

12 In considering whether to award attorney's fees under Section 505, a district court may  
13 consider a nonexclusive list of factors, which include "frivolousness, motivation, objective  
14 unreasonableness (both in the factual and legal components of the case) and the need in particular  
15 circumstances to advance considerations of compensation and deterrence." *Octane Fitness, LLC*  
16 *v. ICON Health & Fitness, Inc.*, 134 S. Ct. 1749, 1756 (2014); *see also Fogerty*, 510 U.S. at 539  
17 n. 19. A district court should give substantial weight to the objective reasonableness factor.  
18 *Kirtsaeng*, 136 S. Ct. at 1988. Courts in the Ninth Circuit also consider "the degree of success  
19 obtained on the claim" and "whether the chilling effect of attorney's fees may be too great or  
20 impose an inequitable burden on an impecunious plaintiff." *VMG Salsoul, LLC v. Ciccone*, 824  
21 F.3d 871, 887 (9th Cir. 2016); *Ets-Hokin v. Skyy Spirits, Inc.*, 323 F.3d 763, 766 (9th Cir. 2003).

22 The Lanham Act also provides for the award of attorney's fees to the prevailing party,  
23 though such an award is warranted only in "exceptional cases." 15 U.S.C. § 1117. A district court  
24 analyzing a request for attorney's fees under the Lanham Act considers the "'totality of the  
25 circumstances' to determine if the case was exceptional, exercising equitable discretion in light of  
26 the nonexclusive factors identified in *Octane Fitness* and *Fogerty*, and using a preponderance of  
27 the evidence standard." *SunEarth, Inc. v. Sun Earth Solar Power Co., Ltd.*, 839 F.3d 1179, 1181  
28 (9th Cir. 2016) (internal citations omitted). An "'exceptional' case is simply one that stands out

1 from others with respect to the substantive strength of a party's litigating position ... or the  
2 unreasonable manner in which the case was litigated.” *Memory Lane, Inc. v. Classmates, Inc.*, 646  
3 Fed. Appx. 502, 504 (2016).

4 Both the Copyright Act and Lanham Act permit courts to award attorney’s fees to a  
5 “prevailing party.” 17 U.S.C. § 505; 15 U.S.C. § 1117. A prevailing party does not need to obtain  
6 a ruling on the merits to obtain attorney’s fees. *CRST Van Expedited, Inc. v. EEOC*, 136 S. Ct.  
7 1642, 1646 (2016) (finding that “[t]here is no indication that Congress intended that defendants  
8 should be eligible to recover attorney's fees only when courts dispose of claims on the merits”);  
9 *see also Amphastar Pharm., Inc. v. Aventis Pharma SA*, 856 F.3d 696, 710 (9th Cir. 2017) (“we  
10 conclude that the Supreme Court has effectively overruled *Branson*’s holding that when a  
11 defendant wins because the action is dismissed for lack of subject matter jurisdiction he is never a  
12 prevailing party.”).

### 13 **III. Discussion**

14 As a preliminary matter, IIM argues that defendants do not satisfy the “prevailing party”  
15 requirement of the Copyright Act, and thus cannot recover attorney’s fees. (ECF No. 71).  
16 Specifically, IIM contends that only a judgment on the merits can give rise to attorney’s fees under  
17 Section 505, and that “there is no prevailing party in a Copyright Act case when the case is  
18 voluntarily dismissed without prejudice.” *Id.*

19 These arguments are without merit. Following the Supreme Court’s decision in *CRST Van*  
20 *Expedited*, a defendant is not required to obtain a favorable judgment on the merits in order to  
21 recover attorney’s fees. 136 S. Ct. at 1646. Further, nothing in *CRST Van Expedited* indicates that  
22 a dismissal without prejudice necessarily changes the calculus. Nonmerits dismissals are often  
23 without prejudice, and this fact appears to have had no effect on the determination that a defendant  
24 may prevail where “the court's final judgment rejects the plaintiff's claim for a nonmerits reason.”  
25 *Id.* at 1651.

26 Here, the court dismissed this action without prejudice based on a lack of personal  
27 jurisdiction over defendants. Defendants have thus successfully rebuffed IIM’s challenge in this  
28 action. Accordingly, the court finds that defendants have satisfied the “prevailing party”

1 requirement of Section 505 of the Copyright Act.

2 *a. Attorney's fees under the Copyright Act*

3 The following factors weigh in favor of awarding attorney's fees here: objective  
4 unreasonableness, degree of success obtained, absence of chilling effect, and the need to advance  
5 considerations of compensation and deterrence.

6 *1. Objective unreasonableness*

7 A claim is objectively unreasonable where the party advancing it "should have known from  
8 the outset that its chances of success in th[e] case were slim to none." *SOFA Entm't v. Dodger*  
9 *Prods., Inc.*, 709 F.3d 1273, 1280 (9th Cir. 2013). "A claim that is not 'objectively unreasonable'  
10 at the outset can become so if the litigant continues to pursue it when the litigant knew or should  
11 have known that the chance of success was slim to none." *Erickson Productions Inc. v. Kast*, No.  
12 5:13-cv-05472-HRL, 2016 WL 3951659, at \*2 (N.D. Cal. July 22, 2016) (citation omitted).

13 IIM sought to hale a New York citizen and a foreign organization into a Nevada federal  
14 court based on the bare allegations that defendants operated the Better Life Index on a website,  
15 sold a book with allegedly infringing materials on Amazon.com, and published the 2009 report  
16 online. (ECF No. 1). In granting defendants' motions to dismiss, the court found that "the  
17 complaint does not contain any allegations of specific conduct related to Nevada other than IIM's  
18 contacts with the forum." (ECF No. 64). Based on unambiguous Ninth Circuit authority, the court  
19 also held that "merely uploading materials on a passive website and placing products in the stream  
20 of commerce are not affirmative acts that directly target Nevada." *Id.*

21 IIM's attempt to establish personal jurisdiction based on these allegations had slim to no  
22 chance of success. Accordingly, the court finds that this suit was legally objectively unreasonable.

23 *2. Degree of success obtained*

24 Although defendants did not obtain a substantive judgment on the merits, they were  
25 successful insofar as this suit was dismissed for a lack of personal jurisdiction. This dismissal  
26 does not bar IIM from refile in another jurisdiction, but it does terminate further litigation in  
27 Nevada. While this is likely not defendants' preferred outcome, it is without question that they  
28 have obtained at least a modicum of success in having this action dismissed.

1           3. *Chilling effect*

2           IIM has not alleged that it lacks the resources to pay an award or that it will be deterred  
3 from seeking to enforce valid copyrights in the future. Rather, IIM argues that “[w]ithout  
4 protection from retaliation against good-faith and non-merit issues, few, if any, of the victims of  
5 copyright infringement ... will come forward to claim their right, and the end result will be  
6 increased infringement and decreased incentive to invest in creating new works when dealing with  
7 defendants with large pockets.” (ECF No. 71).

8           The court finds this argument unavailing. That this case may have been brought in good  
9 faith and was not dismissed on the merits has little bearing on whether victims of copyright  
10 infringement will continue to bring suit. An award of attorney’s fees here serves only to discourage  
11 suits without an objectively reasonable basis for jurisdiction.

12           Accordingly, the court holds that an award of attorney’s fees here will not have a chilling  
13 effect on a plaintiff’s ability to litigate meritorious claims of infringement. The court further holds,  
14 in light of IIM’s failure to allege any financial hardship, that it would not be inequitable to award  
15 fees here.

16           4. *Compensation and deterrence*

17           “A successful defense furthers the purposes of the Copyright Act just as much as a  
18 successful infringement suit does.” *Inhale, Inc. v. Starbuzz Tobacco, Inc.*, 755 F.3d 1038, 1043  
19 (9th Cir. 2014). An award of attorney’s fees may enable parties to pursue successful defenses by  
20 ensuring that the litigation cost of vindication does not exceed the prevailing party’s private  
21 benefits. *See Sophia & Chloe, Inc. v. Brighton Collectibles, Inc.*, No. 12-cv-2472-AJB-KSC, 2019  
22 WL 1429588, at \*5 (S.D. Cal. Mar. 29, 2019) (citing *Assessment Techs. of WI, LLC v. WIREdata,*  
23 *Inc.*, 361 F.3d 434, 437 (7th Cir. 2004).

24           Here, as is stated above, IIM’s suit was objectively unreasonable. An award of attorney’s  
25 fees will thus serve the interest of deterring such suits. Moreover, nothing in the record indicates  
26 that defendants have received any financial benefit from successfully defending this suit. Under  
27 these circumstances, the Copyright Act’s interest in encouraging defendants to vigorously defend  
28 against an infringement suit would not be properly furthered absent an award of attorney’s fees.

1 Therefore, an award of attorney's fees in this case furthers the goals of the Copyright Act.

2 In consideration of the foregoing factors, the court holds that an award of attorney's fees  
3 is appropriate.

4 *b. Attorney's fees under the Lanham Act*

5 Having now found that attorney's fees are warranted under the Copyright Act, the court  
6 declines to assess whether attorney's fees would also be warranted under the Lanham Act's  
7 "exceptional case" standard.

8 *c. Reasonableness of attorney's fees*

9 "When calculating the amount of attorney fees to be awarded in litigation, the district court  
10 applies the lodestar method, multiplying the number of hours expended by a reasonable hourly  
11 rate." *Ryan v. Editions Ltd. W., Inc.*, 786 F.3d 754, 763 (9th Cir. 2015) (citing *Hensley v.*  
12 *Eckerhart*, 461 U.S. 424, 433 (1983)). The reasonableness of the requested fee is then determined  
13 with reference to the twelve *Kerr* factors:

14 (1) the time and labor required, (2) the novelty and difficulty of the questions  
15 involved, (3) the skill requisite to perform the legal service properly, (4) the  
16 preclusion of other employment by the attorney due to acceptance of the case, (5)  
17 the customary fee, (6) whether the fee is fixed or contingent, (7) time limitations  
18 imposed by the client or the circumstances, (8) the amount involved and the results  
obtained, (9) the experience, reputation, and ability of the attorneys, (10) the  
'undesirability' of the case, (11) the nature and length of the professional  
relationship with the client, and (12) awards in similar cases.

19 *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975). A district court may reduce the  
20 amount of requested fees to reflect a party's limited degree of success, to account for block billing,  
21 or to deduct hours deemed excessive as long as it provides an adequate explanation for its fee  
22 calculation. *Ryan*, 786 F.3d at 763.

23 A party moving for attorney's fees must also meet the requirements set forth in Local Rule  
24 54-14, which states in part:

- 25 (b) Content of Motions. Unless the court orders otherwise, a motion for attorney's  
26 fees must include the following in addition to those matters required by Fed. R.  
Civ. P. 54(d)(2)(B):  
27 (1) A reasonable itemization and description of the work performed;  
28 (2) An itemization of all costs sought to be charged as part of the fee award  
and not otherwise taxable under LR 54-1 through 54-13;  
(3) A brief summary of:

- (A) The results obtained and the amount involved;
- (B) The time and labor required;
- (C) The novelty and difficulty of the questions involved;
- (D) The skill requisite to perform the legal service properly;
- (E) The preclusion of other employment by the attorney due to acceptance of the case;
- (F) The customary fee;
- (G) Whether the fee is fixed or contingent;
- (H) The time limitations imposed by the client or the circumstances;
- (I) The experience, reputation, and ability of the attorney(s);
- (J) The undesirability of the case, if any;
- (K) The nature and length of the professional relationship with the client;
- (L) Awards in similar cases; and
- (M) Any other information the court may request.

LR 54-14(b).

Further, a motion for attorney's fees and costs must be accompanied by an affidavit from the attorney responsible for the billings in the case to authenticate the information contained in the motion, and to prove that the fees and costs sought are reasonable. LR 54-16(c). A failure to provide the documentation required by LR 54-16(b) and (c) in a motion for attorney's fees "constitutes a consent to the denial of the motion." LR 54-16(d).

*1. Reasonableness of time expended*

Stiglitz requests attorney's fees in the amount of \$79,897.50 for 162.8 hours spent by counsel on this matter. (ECF Nos. 67, 68). The OECD requests attorney's fees in the amount of \$119,922.50 for 145.1 hours spent by counsel, 2.4 hours spent by a paralegal, and .5 hours spent by research analysts. (ECF Nos. 67, 69). Both defendants have submitted attorney declarations and summaries of the work performed by each attorney (including hours billed and hourly rates). (ECF Nos. 68, 69).

A reasonable number of hours expended is equivalent to the number of hours an attorney reasonably could have billed to a private client. *Gonzalez v. City of Maywood*, 729 F.3d 1196, 1202 (9th Cir. 2013). The prevailing party bears the burden of submitting billing records to establish that the hours requested are reasonable. *Id.*

If the court determines some requested fees should be excluded as unreasonable, it may do so using one of two methods. *Id.* at 1203. First, the court may exclude billed entries pursuant to an "hour-by-hour analysis of the fee request." *Id.* Alternatively, "when faced with a massive fee



1 application the district court has the authority to make across-the-board percentage cuts either in  
2 the number of hours claimed or in the final lodestar figure as a practical means of [excluding non-  
3 compensable hours] from a fee application.” *Id.* (internal quotation marks omitted).

4 When cutting by a percentage, the court must clearly explain its reasons for “choosing a  
5 given percentage reduction,” with one exception. *Id.* The court may impose a “small reduction,  
6 no greater than 10 percent—a ‘haircut’—based on its exercise of discretion and without a more  
7 specific explanation.” *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008). “In  
8 all other cases, however, the district court must explain why it chose to cut the number of hours or  
9 the lodestar by the specific percentage it did.” *Gonzalez*, 729 F.3d at 1203.

10 Stiglitz’ submitted a summary of the work counsel performed, which included researching  
11 issues of law, conferring with co-counsel and the client, drafting the motion to dismiss and reply  
12 in support, drafting the motion to stay discovery and the reply in support, and participating in  
13 argument. (ECF No. 68-1). The OECD also submitted a summary of work performed by counsel,  
14 a paralegal, and two research analysts. (ECF No. 69-2). The summary included generally the  
15 same entries for counsel as Stiglitz’ summary, as well as entries for cite checking by a paralegal  
16 and legal research regarding “telephonic appearance” and “motion to stay discovery” by two  
17 research analysts. *Id.*

18 Upon review of the billing summaries, the court finds that the total hours billed constitute  
19 an unreasonable amount of time spent defending this litigation. This is because both defendants’  
20 summaries of work performed state the hours of each individual in a single, large increment of  
21 time. This has made it difficult for the court to parse which hours are properly compensable. As  
22 a result, the court will reduce both defendants’ lodestar amount (as is determined below) by 10%.  
23 *See Moreno*, 534 F.3d at 1112; *see also Fischer v. SJB-P.D. Inc.*, 214 F.3d 1115, 1121 (9th Cir.  
24 2000) (holding that where the billing records submitted are inadequate, the court may “simply  
25 reduce[] the fee to a reasonable amount”).

## 26 2. Reasonableness of hourly rate

27 The court finds that defendants’ counsels’ hourly rates ranging from \$650 for Stiglitz and  
28 \$840 to \$1,265 for the OECD are unreasonable. The controlling test for determining a reasonable

1 hourly rate requires the rate to be “in line with those prevailing in the community for similar  
2 services by lawyers of reasonably comparable skill, experience and reputation.” *Blum v. Stenson*,  
3 465 U.S. 886, 896 n. 11 (1984); *Welch v. Metro. Life Ins Co.*, 480 F.3d 942, 946 (9th Cir. 2007).  
4 As a general rule, the court considers the reasonable hourly rate in the relevant community, which  
5 is the forum in which the case is pending. *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 979  
6 (9th Cir. 2008). The court may consider rates outside the forum “if local counsel was unavailable,  
7 either because they are unwilling or unable to perform because they lack the degree of experience,  
8 expertise, or specialization required to handle properly the case.” *Id.* (quoting *Barjon v. Dalton*,  
9 132 F.3d 496, 500 (9th Cir. 1997)).

10 Here, the relevant community is Las Vegas, Nevada. For the Las Vegas market, this court  
11 has regularly awarded fees where the hourly rates at issue were \$400 or less. *See, e.g., Snow v.*  
12 *McDaniel*, No. 3:08-cv-00046-RCJ-VPC, 2014 WL 590489, at \*1 (D. Nev. Feb. 14, 2014) (Jones,  
13 J.) (finding a \$250 hourly rate reasonably within the context of a section 1988 inquiry); *see also*  
14 *Gibbs v. Rivers Transp. Group, Inc.*, No. 2:13-cv-00935-JAD-NJK, 2014 WL 204928, at \*3 (D.  
15 Nev. Jan. 17, 2014) (finding a \$250 hourly rate reasonable in Las Vegas); *Marrocco v. Hill*, 291  
16 F.R.D. 586, 589 (D. Nev. 2013) (finding hourly rates between \$375 and \$400 reasonable in Las  
17 Vegas); *Conboy v. Wynn Las Vegas, LLC*, No. 2:11-cv-01649-JCM-CWH, 2012 WL 6100313, at  
18 \*3 (D. Nev. Dec. 7, 2012) (finding a \$350 hourly rate reasonable in Las Vegas); *Am. Gen. Life Ins.*  
19 *Co. v. Futrell*, No. 2:11-cv-00977-PMP-CWH 2012 WL 5497901, at \*3 (D. Nev. Nov. 13, 2012)  
20 (finding hourly rates between \$250 and \$400 reasonable in Las Vegas).

21 Accordingly, the court finds that the \$650 hourly rate billed by Stiglitz attorney William  
22 Forman, the \$1,265 hourly rate billed by OECD attorney Kristin Linsley, and the \$900 hourly rate  
23 billed by OECD attorney Joseph Tartakovsky represent an unreasonable hourly rate for this  
24 litigation.<sup>1</sup> The court holds that an hourly rate of \$400 is reasonable for this type of case in the

25  
26 <sup>1</sup> In an affidavit submitted with the instant motion, OECD attorney Joseph Tartakovsky states that  
27 his standard billing rate in 2018 was \$840 per hour, and that in 2019 his billing rate increased to  
28 \$900 per hour. He also states that attorney Kristin Linsley’s standard billing rate in 2018 was  
\$1,205 per hour, and that in 2019 her billing rate increased to \$1,265 per hour. (ECF No. 69).  
Because all of these hourly rates are unreasonable in this litigation, the court will reduce the 2018  
and 2019 hours of both attorneys to an hourly rate of \$400.

1 Las Vegas market, and will thus reduce Forman, Linsley, and Tartakovsky's rates accordingly.  
2 The court further holds that Jeffrey Steinfeld's hourly rate of \$400, David Avakian's hourly rate  
3 of \$375, and Jesse Panof's hourly rate of \$375 are reasonable.

4 The OECD has provided no evidence of the prevailing market rate for paralegal or research  
5 analyst services. The OECD has also failed to provide any information on the qualifications of  
6 the paralegal or research analysts that it seeks reimbursement for.

7 An attorney's fees award may include paralegal fees. *See Missouri v. Jenkins by Agyei*,  
8 491 U.S. 274, 284 (1989); *see also Agarwal v. Oregon Mut. Ins. Co.*, 2013 WL 5882710, at \*3 (D.  
9 Nev. Oct. 30, 2013) (awarding fees for paralegal work). For the Las Vegas market, paralegals are  
10 typically paid between \$75 to \$125 per hour. *See Watson v. NCO Fin. Sys., Inc.*, 2015 WL  
11 1959163, at \*2 (D. Nev. Apr. 29, 2015) (finding a \$125 hourly rate to be reasonable); *Tallman v.*  
12 *CPS Sec. (USA), Inc.*, 23 F.Supp.3d 1249, 1260 (D. Nev. 2014) (finding a \$90 hourly rate to be  
13 reasonable); *Agarwal*, 2013 WL 5882710, at \*2 (finding a \$75 hourly rate to be reasonable); *Plaza*  
14 *Bank v. Alan Green Family Trust*, 2013 WL 1759580, at \*2 (D. Nev. Apr. 24, 2013) (finding a  
15 \$100 hourly rate to be reasonable).

16 Given the OECD's failure to present competent evidence of the prevailing Las Vegas rate  
17 for paralegals and research analysts or any description of their experience, the court finds that an  
18 hourly rate of \$75 for the paralegal and \$50 for the analysts is reasonable.

19 *3. Lodestar calculation*

20 The lodestar calculation is as follows:

21 **Stiglitz Counsel**

22 William Forman: 62.30 hours x \$400 = \$24,920.00

23 Jeffrey Steinfeld: 68.60 hours x \$400 = \$27,440.00

24 David Avakian: 27.4 hours x \$375 = \$10,275.00

25 Jesse Panof: 4.5 hours x \$375 = \$1,687.50

26 **Total Hourly Fees: \$64,322.50**

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**OECD Counsel/Paralegal/Research Analysts**

Kristin Linsley: 25.2 hours x \$400 = \$10,080.00

Joseph Tartakovsky: 119.9 hours x \$400 = \$47,960.00

Eaton Liu (paralegal): 2.4 hours x \$75 = \$180.00

Erin Kurinsky (litigation research manager): 0.3 hours x \$50 = \$15.00

Carla Jones (research analyst): 0.2 hours x \$50 = \$10.00

**Total Hourly Fees: \$58,245.00**

A “strong presumption” exists that the “lodestar” figure represents a reasonable fee. *Jordan v. Multnomah Cnty.*, 815 F.2d 1258, 1262 (9th Cir. 1987). Defendants have not identified any persuasive reason as to why the lodestar amount should be adjusted. Further, defendants have provided no evidence that local counsel lacks the experience, expertise, or specialization necessary to handle this case, such that the court should look beyond Las Vegas to determine the lodestar amount.

*4. Summary of attorney’s fees awards*

The lodestar amount for Stiglitz is \$64,322.50. The court reduces this amount by 10% due to the insufficiency of the billing records before the court, resulting in a total fee award of \$57,890.25.

The lodestar amount for the OECD is \$58,245.00. The court reduces this amount by 10% due to the insufficiency of the billing records before the court, resulting in a total fee award of \$52,420.50.

The court finds no reason to depart from either of these presumptively reasonable awards.

*d. Taxable and non-taxable costs*

In addition to an award of attorney’s fees, defendants also request the award of taxable and non-taxable costs in the amount of \$82.07 for Stiglitz and \$4,432.80 for the OECD. (ECF No. 67). IIM does not oppose this request. (ECF No. 71 at 3–4). The court will therefore award the requested taxable and non-taxable costs to defendants.

**IV. Conclusion**

Accordingly,


1 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendants' joint motion  
2 for attorney's fees and taxable and nontaxable costs (ECF No. 67) be, and the same hereby is,  
3 GRANTED, consistent with the foregoing.

4 IT IS FURTHER ORDERED that IIM shall pay Stiglitz \$57,890.25 in attorney's fees and  
5 \$82.07 in taxable and nontaxable costs, for a sum total award of \$57,972.32.

6 IT IS FURTHER ORDERED that IIM shall pay the OECD \$52,420.50 in attorney's fees  
7 and \$4,432.80 in taxable and nontaxable costs, for a sum total award of \$56,853.30.

8 IT IS FURTHER ORDERED that within fourteen (14) days of the date of this order, the  
9 defendants shall submit a proposed judgment consistent with the foregoing.

10 DATED THIS 29<sup>th</sup> day of October 2019.

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13 JAMES C. MAHAN  
14 UNITED STATES DISTRICT JUDGE  
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